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cc: Peter



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:  
3809 (UTW02000)  
UTU-87832

RECEIVED

AUG 19 2013

August 16, 2013

CERTIFIED MAIL # 7013 0600 0001 7756 3916  
RETURN RECEIPT REQUESTED

### DECISION

Alana Metcalf  
69 Hillside Avenue  
Salt Lake City, Utah 84103

:  
: 43 CFR 3809 - Surface Management Plan:  
: UTU-87832  
:

#### Rejection and Closure of Pending Plan of Operations UTU-87832

You filed a Plan of Operations (Plan) for mineral exploration and mining activity in the Fillmore Field Office (FFO), Bureau of Land Management (BLM) on February 1, 2010. The Plan proposed a mining operation for two or more minerals, but principally tungsten, in the Miller Canyon area of Millard County, Utah from T. 19 S., R. 14 W., in the SW ¼ of section 12; Salt Lake Meridian. The BLM case file number for your proposed Plan is UTU-87832. Please refer to this number in future correspondence.

On February 8, 2010 the BLM sent you a letter by certified mail in which you were notified that the Plan was incomplete as submitted. BLM has yet to receive the information requested and hereby Pursuant to 43 CFR §3809.411(d)(3)(i), your Plan of Operation is rejected due to its failure to meet the applicable content requirements of 43 CFR §3809.401 and your failure to submit additional information to append the proposed Plan. BLM case file UTU-87832 will therefore be closed.

We have determined that you removed a large quantity of material from nearby patented mining claims and deposited that material in an unauthorized stockpile on public land. The stockpile is located within T. 20 S., R. 12 W., in section 17. The surface disturbance from the stockpile encompasses 2.48 acres. This stockpile constitutes a trespass on public land and will be turned over to BLM law enforcement.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:



Utah State Office  
Bureau of Land Management  
P.O. Box 45155  
Salt Lake City, Utah 84145-0155,

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office  
Bureau of Land Management  
95 East 500 North,  
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.



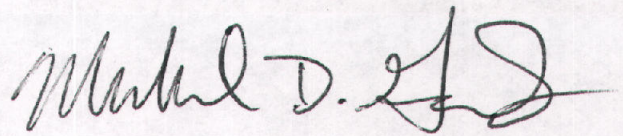
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellants success on the merits
3. The likelihood of immediate and irreparable harm in the stay is not granted
4. Whether the public interest favors granting the stay

If you have any questions or concerns please feel free to contact Duane Bays, Natural Resource Specialist, Fillmore Field Office, at (435) 743-3115.

Sincerely,



Michael D. Gates  
Field Office Manager

Enclosures:

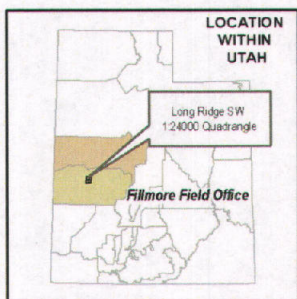
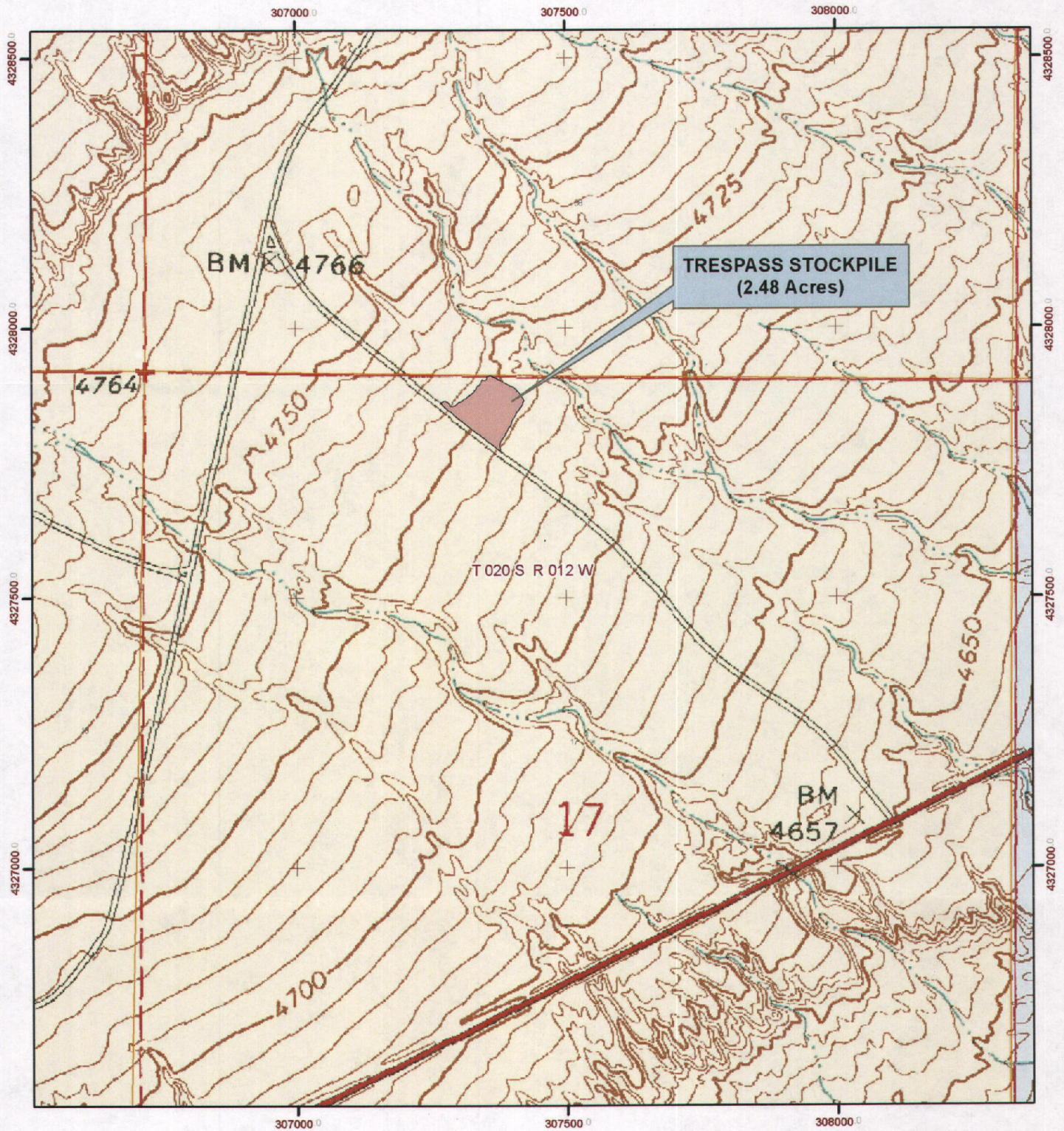
Stockpile Trespass Map  
Form 1842-1

cc:

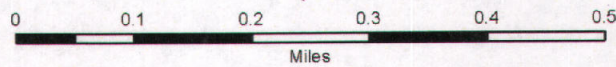
Paul Baker  
UDOGM  
1594 W North Temple Ste 1210  
SLC, UT. 84114-5801



**TRESPASS STOCKPILE LOCATION**  
**Miller Canyon - Long Ridge SW 1:24K Quadrangle**  
**UTU-087832**  
**Placer Mining - Alana Metcalf**








NOTCH PEAK 1:24000 Quadrangle  
(Coordinates in UTM Zone 12 North,  
NAD 83 meters)



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-  Photo Points  
 DISTURBANCE AREA  
**Land Status**  
 Federal  
 Private  
 State